

**Filed 9/15/11 by Clerk of Supreme Court
IN THE SUPREME COURT
STATE OF NORTH DAKOTA**

2011 ND 176

Industrial Contractors, Inc., Appellant

v.

Workforce Safety and Insurance, Respondent

and

James Higginbotham, Appellee

No. 20110135

Appeal from the District Court of Burleigh County, South Central Judicial District, the Honorable Donald L. Jorgensen, Judge.

AFFIRMED.

Per Curiam.

Lawrence E. King, P.O. Box 1695, Bismarck, N.D. 58502-1695, for appellant.

Stephen D. Little, Gateway Office Building, 2718 Gateway Avenue, Suite 302, Bismarck, N.D. 58503-0585, for appellee.

Industrial Contractors, Inc. v. Workforce Safety & Insurance
No. 20110135

Per Curiam.

[¶1] Industrial Contractors, Inc., (“ICI”) appeals from a judgment dismissing its appeal to the district court from a Workforce Safety & Insurance order involving its employee, James Higginbotham. On appeal, ICI argues that the district court erred in dismissing its appeal on the basis of a lack of jurisdiction and erred in denying as moot its motions for change of venue and to amend service or, alternatively, to enlarge the time for service and filing of appeal. We affirm under N.D.R.App.P. 35.1(a)(7). See Basin Elec. Power Coop. v. North Dakota Workers Comp. Bureau, 541 N.W.2d 685 (N.D. 1996) (holding district court lacked subject matter jurisdiction over employer’s appeal of Bureau order when appeal was not filed in the district court of the county where the injury occurred or of the county where the claimant resided).

[¶2] Gerald W. VandeWalle, C.J.
Dale V. Sandstrom
Daniel J. Crothers
Mary Muehlen Maring
Carol Ronning Kapsner